UNITED NATIONS

General Assembly

FIFTIETH SESSION

Official Records

SIXTH COMMITTEE
39th meeting
held on
Wednesday, 15 November 1995
at 10 a.m.
New York

SUMMARY RECORD OF THE 39th MEETING

Chairman: Mr. LEHMANN (Denmark)

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Distr. GENERAL
A/C.6/50/SR.39
18 December 1995
ENGLISH
ORIGINAL: SPANISH

95-82278 (E)

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The meeting was called to order at 10.30 a.m.

AGENDA ITEM 140: UNITED NATIONS DECADE OF INTERNATIONAL LAW (continued) (A/50/368 and Add.1 and 2)

1. Ms. MAYADUNNE (Sri Lanka) said that many of the major problems facing the international community were due not to any lack of norms of international law, but to a failure to recognize those norms, the inadequacy of implementation mechanisms, and conflicts between the interests and policies of States. Consequently, the emphasis should be placed on prevention, and on the teaching of international law. Sri Lanka had established three training centres: the Bandaranaike Centre for International Studies, a Diplomatic Training Institute and a Centre for Human Rights in the University of Colombo. Numerous government and non-governmental initiatives had been taken to promote respect for international law in such areas as conflict resolution and, in particular, the international norms of humanitarian law in armed conflict.

2. The most important objective of the United Nations Decade of International Law was the promotion of means and methods for the peaceful settlement of international disputes. In that connection, Sri Lanka welcomed the activities that were being undertaken by the Permanent Court of Arbitration, referred to in document A/50/368, paragraph 35, and the steps that had been taken to modernize the optional rules for the arbitration of disputes between States, and between States and private companies; revise the conciliation rules; and develop uniform procedures for commissions of inquiry and disputes in which one party was an international organization. It also welcomed the establishment by the Steering Committee of the Financial Assistance Fund.

3. The lengthening role of cases before the International Court of Justice was an indication of the esteem in which the principal judicial organ of the United Nations was currently held, while the establishment of tribunals for the former Yugoslavia and Rwanda and the steps that were being taken to establish an international criminal court were indicative of a growing belief in the role that international law could play in reducing the incidence of serious crimes. In that respect, Sri Lanka supported the decisions adopted by the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders pertaining to international cooperation and the strengthening of the rule of law.

4. There were many less serious disputes which did not give rise to spectacular or horrific consequences, including disputes involving contractual dealings with private parties, which should not be submitted to the International Court of Justice. Greater use should therefore be made of other dispute settlement mechanisms such as arbitration, conciliation and the procedures available under The Hague Conventions of 1899 and 1907. Sri Lanka was aware that at a time of dwindling financial resources, it was better to strengthen existing mechanisms than to create new institutions. It therefore appreciated the efforts that were currently being made to revitalize and modernize the methods and procedures available under those Conventions, particularly since, in a sense, those Conventions had been the inspiration for

the United Nations Decade of International Law. Sri Lanka urged all States to review the provisions of the Conventions. At all events, the second half of the Decade would have to focus on substantive legal issues.

5. Mr. THABETHE (South Africa) said that his Government - the Government of National Unity - attached great importance to the aims of the United Nations Decade of International Law, as was demonstrated by its acceptance of the principles of international law, reflected in the multilateral treaties to which it had become party, such as the Convention on the Rights of the Child, the Basel Convention on the Control of Transboundary Movements of Hazardous Waste and their Disposal, the Protocol on Environmental Protection to the Antarctic Treaty and the Convention on the International Maritime Organization. South Africa also attached great importance to international cooperation. At the regional level, it was promoting cooperation in the areas of trade, development and environmental protection under various bilateral and multilateral treaties. Furthermore, an increasing number of international organizations and United Nations agencies had opened offices in South Africa and were providing assistance in the implementation of international agreements. As to dispute settlement, the experience gained in the process of the negotiations leading to the April 1994 elections had enabled South Africa, along with Botswana and Zimbabwe, to play an important role in defusing the situation in Lesotho and restoring stability there. That experience had shown that preventive diplomacy was more effective and less costly than peace-keeping.

6. Democracy, sustainable development, social justice, environmental protection and the promotion of global peace and security were goals which could not be achieved unless disputes were settled by peaceful means and the proliferation of weapons of mass destruction was stopped. South Africa was therefore participating actively in non-proliferation regimes and suppliers' groups. Its participation in those groups, and in the African Group and the Non-Aligned Movement, aimed not only to promote non-proliferation but also to ensure that the controls envisaged did not impede access by developing countries to the technologies they required for their development needs. South Africa had enacted legislative provisions to create a legal framework for its action in the sphere of disarmament and non-proliferation.

7. South African universities were actively promoting study and research in international law and had participated in various international activities related to international law, some of which had been organized by the Centre for Human Rights. The new Constitution assigned an important role to international law. It recognized international customary law as part of South African law. That had led to a renewed interest in the subject, reflected in the organization of courses, conferences and seminars - including, for example, a meeting of government experts hosted by the South African Ministry of Justice to consider a draft protocol to the African Charter on Human and Peoples' Rights on the establishment of an African court on human and peoples' rights; a plethora of articles on the subject, many of which had been published in the South African Yearbook of International Law; references to international law in court proceedings; and the establishment of a South African branch of the International Law Association.

8. Mr. ALHADAD (Indonesia) reiterated his delegation's support for the goals of the Decade of International Law and recalled that the decade had been proclaimed on the initiative of the Movement of Non-Aligned Countries in response to the need to strengthen the rule of law against the backdrop of notable changes in the global political landscape. At present, there were more possibilities than ever for international cooperation in the service of world peace and stability. He therefore welcomed the opportunity provided by the fiftieth anniversary of the United Nations to determine how best to make use of the changes at the international level with a view to enhancing respect for the generally accepted norms and principles of international law, for which purpose collective and sustained efforts towards the development and codification of the law in the areas of disarmament, the peaceful settlement of regional conflicts, the protection of human rights and the promotion of development would be required.

9. Indonesia, which had always sought to contribute to such efforts, felt that the United Nations was the principal instrument for the peaceful settlement of conflicts through dialogue and cooperation. For that reason, his delegation felt that the various United Nations organs should be strengthened as negotiating forums. There was no doubt that international law had a key role to play in the search for solutions to the problems of an interdependent world in which economic, social and ecological issues had assumed paramount importance, and Indonesia was therefore committed to working towards the codification of that law. Securing effective methods for the enforcement of international law should be one of the principal goals of the Decade. The achievement of that goal would require a better knowledge of international legal norms on a global basis. Moreover, new ways must be found to enhance respect for the application of, and the obligations imposed by, international legal precepts. His delegation had thus welcomed the successful convening of the United Nations Congress on Public International Law in 1995. Indonesia was aware that the dissemination of international law facilitated the participation of States, particularly developing States, in treaty making and the development of the law. His delegation therefore expressed its appreciation to the International Committee of the Red Cross (ICRC) for its promotion of international humanitarian law.

10. The unanimous support of Member States for the Decade of International Law was proof that they attached great importance to the rule of law and to its progressive development and codification, and there was no doubt that the Sixth Committee, the International Law Commission and other international organizations had made major strides in that area, as witnessed by the important instruments that had been prepared under United Nations auspices. Particularly welcome in that regard was the entry into force of the United Nations Convention on the Law of the Sea and the establishment of the International Sea-Bed Authority. The eve of the twenty-first century was an appropriate time to accelerate the work of codification and promotion of international law in order to bring about a stable world of peace, equity, justice and harmony for all peoples.

11. Mr. BOUVIER (Observer for the International Committee of the Red Cross (ICRC)) recalled that ICRC had always supported the United Nations Decade of International Law, the goals of which coincided with ICRC activities for the

promotion and dissemination of, and respect for, international humanitarian law. While it was crucial to provide material assistance to the victims in cases of armed conflict, a respect for applicable law was essential to the alleviation of their suffering.

12. Speaking of the intergovernmental meeting of experts on practical means of promoting full respect for and compliance with international humanitarian law, mentioned in General Assembly resolution 49/50 of 9 December 1994, he said that the resolution had expressed approval of various recommendations intended to improve the knowledge, acceptance and application of that law. To that end, ICRC had just set up a system of advisory services at its headquarters and regional offices. With respect to the report to be prepared on the customary norms of international humanitarian law applicable to international and non-international armed conflicts, he felt that greater emphasis should be given to non-international conflicts since the law applicable to armed conflict in non-international situations was not well developed. Moreover, the establishment of customary norms would assist ICRC in preparing a model military manual on the law applicable to international and non-international armed conflicts. Furthermore, the preparation of the manual, whose adoption by States would be urged at a meeting to be held in 1997, would make it possible for ICRC to consider the possibility of incorporating into it revised guidelines on the protection of the environment in times of armed conflict.

13. He also stressed the fact that the effective application of international law, and genuine resistance to the violation of its provisions, could be achieved only if States fulfilled the commitments which they had undertaken in that regard, one of which was to respect, and to compel respect for, the provisions of international humanitarian law. That entailed acting, jointly or individually, in cooperation with the United Nations in cases of serious violations of that law and taking the necessary steps to punish such violations. Furthermore, the depositary of the Geneva Conventions should organize periodic meetings of the States parties to consider the general problems raised by the application of the Conventions in order to enhance respect for international humanitarian law.

14. Lastly, he said that the results of the upcoming twenty-sixth International Conference of the Red Cross and Red Crescent in Geneva would certainly be reflected in future activities related to the Decade.

The meeting rose at 11:10 a.m.